

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS AND
TECHNOLOGY INC.,

Plaintiff,

v.

HP INC.

Defendant.

Civil Case No. 2:24-cv-00752-JRG-RSP
(Lead Case)

ORDER

Before the Court is Defendants HP, Inc., Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., and Askey Computer Corp. and Askey International Corp.'s Motion to Consolidate. **Dkt. No. 89.** In the Motion, Defendants ask the Court to consolidate *Wilus Institute of Standards and Technology Inc. v. HP Inc.*, Case No. 2:25-cv-00069 and *Wilus Institute of Standards and Technology Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:25-cv-00070 with the instant case. *Id.* at 3.

Under Federal Rule of Civil Procedure 42(a), “[i]f actions before the court involve a common question of law or fact, the court *may* ... consolidate the actions.” *Contentguard Holdings, Inc. v. Google, Inc.*, No. 2:13-CV-01112-JRG, 2014 WL 1477670, at *4 (E.D. Tex. Apr. 15, 2014) (quoting Fed. R. Civ. P. 42(a)). This rule is “permissive and vests a *purely discretionary* power in the district court.” *Id.* (quoting *Whiteman v. Pitrie*, 220 F.2d 914, 918 (5th Cir.1955)) (emphasis added).

Here, amongst other issues: (1) the -069 and -070 cases were filed four months after the instant case, which would force a compressed schedule, and (2) the -069 and -070 cases assert a

total of four patents, only one of which overlaps with the instant case.

Accordingly, the Court finds that consolidation would be inappropriate here, and the Motion is, therefore, **DENIED**.

SIGNED this 31st day of March, 2025.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE